

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HENNESSEE GROUP LLC,

Plaintiff,

- against -

RICHARD ROGEL,

Defendant.
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Case No. 07 Civ. 7723 (SHS)

Notice of Motion to Dismiss or Stay

PLEASE TAKE NOTICE, that upon the Declaration of Robert C. Sentner and the exhibits thereto, and the Memorandum of Law in Support of Defendant Richard Rogel's ("Rogel") Motion to Dismiss or Stay in Favor of Arbitration, Rogel, through his undersigned counsel, moves this Court for an Order pursuant to Federal Rule of Civil Procedure 12(b), dismissing or staying the above-captioned action pending an arbitration of all claims set forth in Plaintiff Hennessee Group LLC's Complaint in accordance with the parties' written agreement.

Dated: New York, New York
September 5, 2007

NIXON PEABODY LLP

By: /s/ Robert C. Sentner
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